

## **REMARKS**

### **I. Introduction**

With the addition of new claims 24 to 34, claims 10 to 34 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II. Rejection of Claims 10 to 18, 20, 22, and 23 Under 35 U.S.C. § 102(b)**

Claims 10 to 18, 20, 22, and 23 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,031,738 ("Lipo"). It is respectfully submitted that Lipo does not anticipate the present claims for at least the following reasons.

As an initial matter, the Examiner will note that claims 10 and 22, for example, recite that supply lines of an output stage are connected to an electromotor and that a brake is supplied from a brake control *connected to the supply lines* by at least one capacitor. Therefore, the brake control is supplied by the supply lines of the output stage which supply the motor. According to the present application, when a supply fails, a brake can be mechanically activated and an electromotor can be braked; and a brake may be released only when an electrical supply is available. According to the present application, this may increase the safety of a drive in emergencies or in the case of faults such as a power failure, etc.

The Office Action considers capacitors 36 to 38 described by Lipo to be connected to a brake control and to supply lines of an output stage. However, according to Lipo, capacitors 36 to 38 are connected in series across DC bus lines 33 and 34 (see col. 6, lines 2 to 5), and in no manner does Lipo disclose, or even suggest, that lines 33 and 34 are connected to an electromotor. Rather, according to Lipo, the load 47 receives output power from the inverter 45 on lines 46. (see col. 6, lines 10 to 11). Accordingly, it is respectfully submitted that Lipo does not disclose, or even suggest, all of the features recited in the present claims. Consequently, it is respectfully submitted that Lipo does not anticipate any of the present claims.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**III. Rejection of Claim 21 Under 35 U.S.C. § 103(a)**

Claim 21 was rejected under 35 U.S.C. § 103(a) as unpatentable over Lipo. It is respectfully submitted that Lipo does not render unpatentable claim 21 for at least the following reasons.

Claim 21 depends from claim 10 and therefore includes all of the features included in claim 10. As more fully set forth above, Lipo does not disclose, or even suggest, all of the features included in claim 10, from which claim 21 depends. As such, it is respectfully submitted that Lipo does not render unpatentable claim 21, which depends from claim 10.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**IV. Rejection of Claim 19 Under 35 U.S.C. § 103(a)**

Claim 19 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Lipo and U.S. Patent No. 5,892,341 ("Chmiel"). It is respectfully submitted that the combination of Lipo and Chmiel does not render unpatentable claim 19 for at least the following reasons.

Claim 19 depends from claim 10 and therefore includes all of the features included in claim 10. As more fully set forth above, Lipo does not disclose, or even suggest, all of the features included in claim 10. Chmiel does not cure the critical deficiencies noted above with respect to claim 10. As such, it is respectfully submitted that the combination of Lipo and Chmiel does not render unpatentable claim 19, which depends from claim 10.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**V. New Claims 24 to 34**

New claims 24 to 34 have been added herein. It is respectfully submitted that claims 24 to 34 add no new matter and are fully supported by the present application, including the Specification. Since claims 24 to 29 depend from claim 10 and since claims 30 to 34 depend from claim 22, it is respectfully submitted that claims 24 to 34 are patentable over the references relied upon for at least the reasons more fully set forth above.

**VI. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

By:   
Clifford A. Ulrich  
Reg. No. 42,194

Date: December 7, 2007

KENYON & KENYON LLP  
One Broadway  
New York, New York 10004  
(212) 425-7200  
**CUSTOMER NO. 26646**